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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
CHIUMENTO & GUNTARP, P.A.  
TO PRODUCE DOCUMENTS AND  
ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Chiumento & Associates, P.A. ("C&A") to produce documents and one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Chiumento & Associates, P.A.,  
 2 4 Old Kings Road North, Suite #b, Palm Coast, Florida 32037, on a business day no earlier  
 3 than ten (10) business days after the filing of this Motion and no later than July 15, 2007,  
 4 or at such other mutually agreeable location, date, and time, and continuing from day to  
 5 day thereafter until completed.  
 6

7 This Motion is further explained in the following Memorandum.

8  
 9 **Memorandum**

10 The Trust seeks information concerning various transactions between C&A and  
 11 USACM, the other debtors in the above-captioned cases (together with USACM, the  
 12 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.  
 13 C&A is one of several title companies that participated in the documents of loan  
 14 transactions between the Debtors and their borrowers. The Trust seeks this information  
 15 from the title companies to assist in the collection of the assets and the investigation of the  
 16 liabilities of the Debtors.  
 17

18 In particular, the Trust will seek the following categories of documents from C&A  
 19 and other title companies:  
 20

- 21 • Closing statements from transactions in which Debtors participated;
- 22 • Purchase contracts, amendments, and assignments from these transactions;
- 23 • Deeds of trust from these transactions;
- 24 • Documents identifying other escrows relating to the properties at issue;
- 25 • Title policies issued in connection with the closing of the transactions in  
 26 which Debtors participated.

1 The requested discovery from C&A is within the scope of examination permitted  
 2 under Bankruptcy Rule 2004, which includes:

3 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
 4 of the debtor, or . . . any matter which may affect the administration of the  
 5 debtor's estate, or to the debtor's right to a discharge. In a . . .  
 6 reorganization case under chapter 11 of the Code, . . . the examination may  
 7 also relate to the operation of any business and the desirability of its  
 8 continuance, the source of any money or property acquired or to be acquired  
 9 by the debtor for purposes of consummating a plan and the consideration  
 10 given or offered therefore, and any other matter relevant to the case or to the  
 11 formulation of a plan.<sup>1</sup>

### 12 Conclusion

13 Accordingly, the Movant requests that this Court enter the form of order submitted  
 14 with this Motion.

15 Dated: May 25, 2007.

16 **DIAMOND MCCARTHY LLP**

17 **LEWIS AND ROCA LLP**

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*Special Litigation Counsel for  
 USACM Liquidating Trust*

*Counsel for USACM Liquidating Trust*

<sup>1</sup> FED.R. BANKR. P. 2004(b).

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been served on May 25, 2007, by United States Mail, first class, postage prepaid and properly addressed to Chiumento & Associates, P.A. at the following address:

Michael D. Chiumento  
Chiumento & Associates, P.A.  
4 Old Kings Road North, Suite #B  
Palm Coast, FL 32037

/s/ Eric D. Madden  
Eric D. Madden